



Town of Westport
Planning and Zoning Commission
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To be published in the Westport News on Friday, October 21, 2022, and Friday, October 28, 2022

LEGAL NOTICE OF HEARING
PLANNING AND ZONING COMMISSION
SPECIAL MEETING

The Planning and Zoning Commission will hold a Special Meeting on Wednesday, November 2, 2022 at 7:00 P.M. in the auditorium at Town Hall, 110 Myrtle Avenue to continue the public hearing on the following:

1. **Text Amendment #819:** Appl. #PZ-22-00387 modified on 10/18/22 by Attorney Eric Bernheim to include revised standards for the proposed new zoning district, Sec. 24C, General Business District/Saugatuck Marina (GBD/SM) and associated zoning standards for properties that comply with the location criteria requiring property shall be northerly of the Saugatuck Train Station and southerly or easterly of Charles Street. One (1) new definition will be added to Sec. 5-2, including: Event Facilities. New language is also proposed in Sec. 33-8, to add permanent wall sign standards applicable to properties in the GBD/SM consistent with what is permitted for properties zoned GBD. New language is also proposed in Sec. 35-2.2.1 providing relief to front landscape standards, to identify the same standards currently applicable to properties in the General Business District/Saugatuck (GBD/S) will be applicable to properties in the GBD/SM. A copy of the proposed text amendment is available on-line at www.westportct.gov and is on file in the Westport Planning and Zoning Office at Town Hall.

Dated at Westport, Connecticut on the 21st day of October and the 28th day of October 2022, Danielle Dobin, Chairwoman, P&Z Commission.

Eric D. Bernheim, FLB Law 10.18.22

Revised October 18, 2022 (Full Context)

September 27, 2022

September 1, 2022

June 28, 2022

June 2, 2022

Proposed Text Amendment

Note: Proposed new language is shown underlined.

5-2 Specific Terms

Except as otherwise stated, or as the context may otherwise require, the following words, for the purpose of these regulations, shall be defined as follows:

Event Facilities: Facilities operated for purpose of providing private event, recreational and meeting facilities, with or without meals.

§24C GENERAL BUSINESS DISTRICT/SAUGATUCK MARINA (GBD/SM)

Contents:

- **24C-1 Purpose**
- **24C-2 Permitted Uses**
- **24C-3 Lot Area**
- **24C-4 Setbacks**
- **24C-5 Height**
- **24C-6 Coverage**
- **24C-7 Building Spacing**
- **24C-8 Floor Area**
- **24C-9 Residential Density**
- **24C-10 Public Waterfront access (PWA)**
- **24C-11 Architectural Design**
- **24C-12 Signs**
- **24C-13 Parking and Loading**
- **24C-14 Landscaping, Screening and Buffer Areas**
- **24C-15 Utilities**
- **24C-16 Change of Use**
- **24C-17 Integrated Site Development**
- **24C-18 Affordability Requirement and Plan**
- **24C-19 CAP**

24C-1 Purpose

The purpose of the General Business District / Saugatuck Marina (GBD/SM) is to give priority to Water Dependent Uses (see Section 31-10.4) and encourage a mix of residential development commercial, office, hotel and retail resulting in sites developed to enhance and conserve the area's aesthetic appeal, pedestrian access, and recreational Water - Dependent Uses and views consistent with the Town Plan of Conservation and Development. The GBD/SM is a non-residential zoning district. Parcels shall be eligible for district designation if they are at least 3,092 square feet and located northerly of the Saugatuck Train Station and southerly or easterly of Charles Street.

24C-2 Permitted Uses

All new developments in the GBD/SM shall require Special Permit and Site Plan review by the Planning and Zoning Commission. A Traffic Analysis in accordance with §44-2.5 shall be required in all instances, even if not required by §44-2.5. All rezoning applications shall also be in accordance with §42. On all waterfront Lots, at least one Water Dependent Use must be provided. Multiple Use Developments are permitted in the GBD/SM, but are not required.

24C-2.1 Special Permit Uses

24C-2.1.1

Two-family and multi-family dwellings as part of a Multiple Use Development, subject to conditions specified herein. Affordable units are required as part of residential development as specified in §24C-18. Any residential use within an Integrated Site shall satisfy this requirement.

24C-2.1.2

The following non-residential uses are permitted however the Planning and Zoning Commission can prohibit certain of these uses on the street level (See §24C-2.3 for Prohibited Uses in the GBD/SM):

- a. Stores and shops where goods are sold and services are rendered primarily at retail, provided, however, no single tenant shall exceed 10,000 square feet of contiguous floor area.
- b. Retail Food Establishments.
- c. Restaurants.
- d. Cafes and taverns.
- e. Business, professional, insurance, real estate, and other offices.
- f. Banks.
- g. Indoor theaters with permanently affixed seating of no more than 100 seats.
- h. Water Dependent Uses and commercial marinas including accessory boat sales. Transient slips shall be provided pursuant to the State of Connecticut DEEP regulations for any marina proposed.
- i. Commercial wireless telecommunication service facilities, in conformance with §32-16.
- j. Hotels and/or Event Facilities, provided, however, Event Facilities shall have an occupancy limit equal to the lesser of the occupancy permitted by the applicable fire code or 500 individuals if such event takes place prior to 6 p.m. Monday through Friday.
- k. Concealed parking structures.

- l. Private recreational clubs.
- m. Grocery stores and delicatessens.

24C-2.2 Accessory Uses

Uses customarily accessory to a permitted principle use shall be permitted as follows:

24C-2.2.1

All uses specified in §24-2.3 (General Business District Accessory Uses).

24C-2.2.2

Related facilities for any principal permitted uses which may include, but are not limited to:

- a. Indoor Theaters;
- b. The retail sales of alcohol to be consumed on the premises, as allowed by a Restaurant Permit granted by the Department of Liquor Control;
- c. Seasonal outdoor seating;
- d. A patron bar;
- e. Commercial or private marinas;
- f. Courtyards;
- g. Outdoor Eating Areas; and
- h. Outdoor Special Events.

24C-2.3 Prohibited Uses

24C-2.3.1

Any use which is toxic, noxious, offensive, or objectionable by reason of the emission of smoke, dust, gas, odor, or other form of air pollution; or by reason of the deposit, discharge, or dispersal of liquid, solid or toxic waste, in any form, in a manner or amount so as to cause damage to the soil or any stream or to adversely affect the surrounding area; or by reasons of the creation of any periodic and/or abnormal noise, vibration, electro-magnetic or other disturbance perceptible beyond the boundaries of the lot on which it is situated; or by reason of illumination by artificial light or light reflected beyond the limits of the lot on, or from which, such light or light reflection, emanates; or which involves any dangerous fire, explosive, radioactive or other hazard, or which can cause injury, annoyance, or disturbance to any of the surrounding properties, or to their owners and occupants.

24C-2.3.2

Tourist cabins, trailers, or mobile home camps or parks or any use of trailers, mobile homes, campers, or boats for human habitation, except as provided in §16, herein.

24C-2.3.3

The use of any building, structure or land for the purpose of gambling houses; gambling with tables, slot machines, video machines or other devices whether mechanical or electronic; gambling at cards, dice or pool; casino gambling; lottery and numbers games, except as authorized by the State of Connecticut or any other State; Tele track betting; off-track betting; race track betting (dog, horse, auto or other); Jai alai frontons; or other similar games of chance, betting activities and/or gambling uses; provided that nothing herein shall prohibit activities such as bingo, bazaars, raffles or charitable "casino nights" by not-for-profit and tax exempt organizations.

24C-2.3.4

Reserved.

24C-2.3.5

The use of any multiple family dwelling unit for any Home Occupation, Level 1, or Home Occupation, Level 2 shall be prohibited.

24C-2.3.6

Parking structures and parking lots that are not concealed unless as an accessory use to a permitted principal use in the GBD/SM.

24C-3 Lot Area (See Definitions)

The minimum lot area required is 3,092 square feet.

24C-4 Setbacks (See §31-3 through §31-8, also.)

To encourage pedestrian oriented frontages, maintain the existing street walls, allow for the ability to create welcoming, lively, walkable, sustainable, and vibrant places where people want to live, work, visit, and explore, and to provide the design flexibility to allow for accessible outdoor areas for all uses within the zone, the minimum setback shall be the lesser of the existing setbacks at the time of the Special Permit application or of five (5) feet for all Buildings. There shall be no setback restrictions between Lots that are all located within an Integrated Site. If offsite improvements are agreed upon and the Lot Line changes due to adding area to the Town or State right of way, the original Lot Line prior to the expansion of the right of way will be the Lot Line utilized for determining setback requirements. All Structures other than Buildings shall be exempt from the setback requirements subject to the following parameters:

1. Must include affordable housing allocated to the project of at least 25% of the proposed market rate units.
2. Must be in development with minimum of ten (10) residential units.
3. Cannot be on a side that abuts a residential zone.
4. A Zoning Permit will be required.
5. Size of Structure is at the discretion of the Planning and Zoning Commission at the time of a Special Permit.

24C-4.1

To encourage a vibrant waterfront experience with public access and views to and from the Saugatuck River, the following setbacks shall be established from the mean high water line of the Saugatuck River relating to Building Height:

<u>Setback from Mean High Water Line</u>	<u>Building Height Permitted</u>
<u>0-24.99'</u>	<u>No Buildings are Permitted</u>

<u>25.0 – 49.99'</u>	<u>50'</u>
<u>50'-99.99'</u>	<u>60'</u>
<u>100' or more</u>	<u>70'</u>

24C-5 Height

Subject to Section 24C-4.1, no **building** or other **structure** shall exceed a **height** of seventy (70) feet to the top of a flat roof or the mid-point of a pitched roof. For Buildings within the 100-year floodplain, the Building's Height shall be determined from the Base Flood Elevation. One additional foot of Building Height as measured from average grade shall be permitted for each foot that the average grade is below the Base Flood Elevation

24C-5.1

Buildings immediately adjacent to a public park owned by the Town of Westport shall have a maximum Height of sixty (60) feet. A Building shall not be deemed to be immediately adjacent if there is a right of way in between the Building and the public park.

24C-6 Coverage (See Definitions)

24C-6.1 Building Coverage

The building coverage shall not exceed fifty percent (50%) of the area of the lot or Integrated Site which lies within the General Business District/Saugatuck Marina, provided appropriate water quality measures are implemented. Underground parking and entrances to underground parking shall be excluded from Building Coverage. Parking shall be deemed to be underground if it is under a Floor Area of a Building, surface parking or a courtyard.

24C-6.2 Coverage Exemptions

The coverage associated with open porches, decks, or balconies on residential Buildings and other similar open structural projections from building coverage shall be exempt. The coverage exemptions shall not exceed five (5.0) percent of the site or Integrated Site if applicable.

24C-6.3 Total Coverage

The Total Coverage shall not exceed seventy-five (75%) percent of the area of the lot or Integrated Site which lies within the General Business District/Saugatuck Marina, provided appropriate water quality measures are implemented. Water Dependent Uses, decks or patios along the river, including public access ways, shall be exempt from the Total Coverage calculations.

24C-7 Building Spacing

The minimum space between buildings shall be as required by the applicable fire code.

24C-8 Floor Area

24C-8.1 Maximum

No one Building shall exceed 40,000 square feet of gross interior floor area above grade. Concealed parking and tunnels shall not count towards gross interior floor area. Connected Buildings shall be governed by Section 24C-8.4. Underground parking garages and tunnels that connect multiple Buildings shall not result in said Buildings being considered a single Building when calculating Floor Area.

24C-8.2 FAR (see definitions)

The total floor area of all proposed uses shall not exceed a Floor Area Ratio (FAR) of 2.0 provided the total of all non-residential floor area shall be a minimum of twenty-five (25%) percent of the total FAR and the total for residential floor area shall be a minimum of twenty-five (25%) percent of the total FAR. Floor area used for mechanicals, elevators, stairways, storage, basements, parking and loading spaces shall be excluded from the FAR. After applying all incentives and/or bonuses available, the site, or the Integrated Site if applicable, FAR shall not exceed 2.5.

24C-8.3 Residential Unit Sizes

The average gross interior floor area per dwelling unit shall not exceed 2,750 square feet.

24C-8.4 Connected Buildings

24C-8.4.1

For the purposes of this §24C-8 any two or more buildings which are connected by an above grade structure shall be referred to as "Sub-Buildings." The structure that results from connecting two Sub-Buildings shall be referred to as a "Connected Building." That which connects the two Sub-Buildings shall be referred to as a "Connection." The Connection must comply with the applicable fire code.

24C-8.4.2

The floor area of each of the Sub-Buildings, including fifty (50%) percent of the Connection, shall not exceed 40,000 square feet.

24C-8.4.3

The Connection may be used for any use permitted by Section 24C-2 of these regulations.

24C-8.4.4

The floor area of the Connected Building, shall be included in the overall calculation of the total FAR.

24C-9 Density

24C-9.1 Residential Density

The maximum number of residential units per acre of the Lot or Integrated Site shall not exceed 18.

24C-9.2 Hotel Density

The maximum allowable density for Hotel keys shall not exceed 30 Hotel keys per gross acre of the Lot or Integrated Site.

24C-10 Public Waterfront access (PWA)

See Definitions and §31-10.7.4 herein. Public parking required to comply with Section 31-10.7.4 shall only be based on the waterfront Buildings and not all Buildings developed as part of an Integrated Site under these Regulations.

24C-11 Architectural Design

- a. The Commission shall find that the proposed architectural design including, among other elements, the exterior building material, color, roof-line, and building elevations to work with, reflect and develop the design of buildings in the GBD/SM thereby improving the appearance and beauty of the community. New construction or reconstruction shall adhere to the design principles and purposes of this district, in whole or in part.
- b. Newly proposed roof-top mechanical equipment, other than solar energy panels, shall be concealed from all sides.
- c. Where applicable and appropriate, developments shall be designed to encourage the preservation of architectural features of historic buildings or other structures in the district. Historic buildings and structures are defined here as those registered in either the Connecticut or U.S. Registers of Historic structures or the Westport Historic Resources Inventory listed or deemed eligible for listing on the National Register of Historic Places, State Register of Historic Places, or Westport Historic Resources Inventory.
- d. Non-residential principal uses shall have at least one main entrance which is publicly accessible from the street.
- e. Each building designed shall have a height to width ratio that does not exceed 3 to 1. For example, a building with a Height of 45 feet may not be less than 15 feet wide. The width of the Building shall be determined by the shortest side of the Building.

24C-12 Signs

Signs shall be permitted in accordance with §33 of the Supplementary Regulations.

24C-13 Parking and Loading

Due to the proximity to the rail system, marina, and existing public and on-street parking, Parking and Loading shall be provided by proposed on site private lots that provide a minimum number of parking spaces as set forth below:

<u>Multi-family dwelling units, studio, efficiency, or</u>	
<u>1 bedroom unit and studio</u>	<u>1.5 spaces per unit.</u>
<u>2 or more bedroom unit</u>	<u>2.0 spaces per unit.</u>
<u>All non-residential uses within the GBD/SM</u>	<u>1 space for each 1,300 square feet of gross floor area.</u>

The Planning and Zoning Commission may permit 25% joint parking, as defined in §34-8, for mixed retail, restaurant, hotel, residential, office use developments and all other permitted uses where peak hours and usage do not conflict. The Joint Parking approved on an integrated site may be applied to any building located on the integrated site.

For properties located in the GBD/SM zone and where required parking is to be satisfied through means other than traditional “self-park” spaces and/or through a reduction of spaces, or automation of parking, the Planning and Zoning Commission may, by Special Permit, approve a Parking Management Plan (PMP) detailing all such onsite parking strategies, technologies and/or demand management strategies.

The final Parking Management Plan shall be included with the Special Permit application for review by the Planning and Zoning Commission and shall be filed on the Westport Land Records prior to the issuance of a Zoning Permit.

At least five (5) electric charging stations shall be provided for every fifty (50) parking spaces provided. Digital advertising on electric vehicle charging stations shall be permitted in below grade concealed parking structures. Digital advertising on electric vehicle charging stations shall be prohibited in areas visible from a public right of way.

24C-14 Landscaping, Screening and Buffer Areas

Where possible based upon the approved setbacks, landscaping, screening and buffer areas shall be provided in accordance with §35 of the Supplementary Regulations, unless deemed unnecessary by the Planning and Zoning Commission. Sidewalks shall be provided in accordance with §35-2.2.4, unless deemed unnecessary by the Planning and Zoning Commission.

24C-15 Utilities

24C-15.1

All utilities and conduits within the site for the Multiple Use Development, shall be underground.

24C-15.2

No Zoning Certificate of Compliance shall be issued for any dwelling or dwelling unit unless and until such dwelling or unit has been connected to a public water supply, suitable power supply and a public sanitary sewer line.

24C-15.3

All storm drainage facilities and public sanitary sewers shall be designed and constructed in accordance with Town Standards, subject to the approval of the Town Engineer.

24C-16 Change of Use

No dwelling unit approved under these provisions shall thereafter be changed to any non-residential use, unless it is converted to an office or hotel use.

24C-17 Integrated Site Development

Notwithstanding anything to the contrary herein, one or more sites may be proposed as an integrated site development provided said sites are wholly within the GBD/SM zone. An integrated site development shall not require the Lots to be merged. The applicant shall submit a phasing plan as part of the integrated site application demonstrating coordinated construction of all sites for review and approval by the Planning and Zoning Commission. Integrated GBD/SM site developments are allowed the following additional special standards:

- a. The maximum combined allowable floor area for all sites may be redistributed over all sites.
- b. The minimum overall required off-street parking for all sites may be satisfied by the combined parking on all sites, and a PMP.
- c. The maximum combined allowable coverage for all sites may be redistributed over all sites.
- d. Cross easements shall be established between integrated properties where necessary.

24C-18 Affordability Requirement and Plan

In conjunction with residential units proposed as part of a GBD/SM development, a number of affordable units must be provided as follows:

- Units shall be equal to 25% of all proposed market rate units located within the proposed site or the Integrated Site.
- The affordable units shall be required to be affordable based on the median income and associated permitted rents as defined in CT General Statutes §8-30g. These units must be affordable to households whose income does not exceed 80% of the state or area median income, whichever is lower. The state and area median income figures are from the United States Census and are periodically updated by the U.S. Department of Housing and Urban Development (HUD).
- Fractional units at 0.5 and above shall be rounded up. In any case at least one (1) unit must be affordable.
- The affordable units shall be located within a half mile of a Saugatuck train station platform to ensure walkability to the train station.
- The affordable units, shall be comparable with existing affordable units located within Westport.

24C-19 INCENTIVE ZONING PROGRAM

24C-19.1 Underground Parking Bonus

In order to encourage underground parking, a FAR bonus of 0.50 and coverage of up to an additional ten (10%) percent applied to the Lot or integrated site, and an exemption for floor area within a cellar or basement will be permitted, if at least seventy-five (75%) percent of the on-site required parking is provided by underground space.

33-8 Permanent Signs Permitted in Other Non-Residence Districts: (RBD, GBD, GBD/S, GBD/SM, GBD/R, HSD, BPD, DDD, BPD, BCD & BCD/H)

The following signs are permitted in all Non-Residence Districts other than the RPOD, RORD, CPD, GBD/S, GBD/SM, GBD/R, and HDD Districts, subject to §33-2 and the following conditions:

33-8.1 Sign Area

The total surface area of all signs except for free standing signs on a premises shall not exceed either one (1) square foot for each lineal foot of the lot fronting on a public street or one (1) square foot for each lineal foot along the longest building face of each building, whichever is less.

33-8.1.1

In mixed use or multi-tenant buildings, the total allowable sign area for said building shall be pro-rated on an equitable basis; such as the amount of gross floor area of each rental unit; the number of rental units, or the facade area.

33-8.1.2

No one business use or tenant shall have more than three (3) signs on the premises; except that one additional wall identification sign shall be permitted at a secondary business entrance facing a parking lot. Said secondary identification sign shall not exceed two (2) sq. ft. in area and shall be exempt from the sign area & §33-2, herein.

33-8.2 Wall Signs

Any wall sign shall comply with the following requirements:

33-8.2.1

Each sign must be attached to a wall or facade of a building.

33-8.2.2

No sign shall extend above the lower sill of a second story window nor exceed a height of twenty (20) feet as measured from the ground to the top of the sign, whichever is less.

33-8.2.3

A wall sign may extend forward as much as eighteen (18) inches from the wall to which it is attached. No part of such sign shall project in front of the street line except that if the face of the wall is coincident with the street line such sign may extend no more than three (3) inches beyond such street line.

33-8.2.4

Each unit occupancy above the first floor may display a sign on the inside of one (1) window serving said unit of occupancy, provided that no such sign shall exceed six (6) square feet in area.

33-8.2.5

Wall signs for individual tenants or occupants of a unified shopping center shall be designed to reflect a coordinated aesthetic scheme for the entire shopping center. Such signs shall be uniform in letter size, letter style, and type of illumination, wall placement, colors and types of signs within the center.

33-8.2.6

Wall signs in excess of fifty (50) square feet of area shall require ARB review.

33-8.3 Projecting or Hanging Signs

All projecting or hanging signs shall comply with the following requirements:

33-8.3.1

Signs may project from the face of building or hang from a roof canopy, provided that such signs shall be under a roof & over a walkway, but not a public sidewalk.

33-8.3.2

One (1) sign, not to exceed two (2) square feet in area, is permitted for each business or use in the building as part of the total allowable sign area.

33-8.3.3

No sign or any part thereof shall be less than eight (8) feet above the walkway.

33-8.4 Free-Standing Signs

All free-standing signs shall be subject to ARB review and shall comply with the following requirements:

33-8.4.1

Only one (1) free-standing sign shall be permitted on a lot provided that it has at least one hundred (100) feet of street frontage on one street.

33-8.4.2

The free-standing sign shall identify the name of the business (is) occupying the lot and shall include the street address number at least 4 inches in size.

33-8.4.3

The sign shall be supported by a free-standing, self-supporting structure that is erected on the ground and is not attached to a building. The width of the support structure cannot be more than 25% of the horizontal dimension of the free-standing sign, and may be divided into one or more support legs, or the support structure will be included in calculating the total surface area of the sign

33-8.4.4

No free-standing sign shall exceed a height of twenty (20) feet or extend above the lowest point of the main roof line of any building, whichever is less, as measured from the ground to the top of the sign.

33-8.4.5

All free-standing signs except for a unified shopping center shall not exceed a total surface area of thirty-two (32) square feet. A unified shopping center sign shall not exceed a total surface area of one hundred (100) square feet. The sign area for free standing signs is not included in the sign area as defined in §33-7.1.

33-8.4.6

No sign shall be located within fifty (50) feet of the boundary of a Residence District.

33-8.4.7

All signs shall be at least fifteen (15) feet from any property line

35-2.2 Landscaping Area

35-2.2.1 Location

The required front setback area, as measured from the property line, except for Bus Shelters, sidewalks, light poles and perpendicular driveways, shall include a minimum thirty (30) foot deep front landscape area along all streets, as shown on the attached "Landscape Design Standards." Such landscape area shall be retained and is to be used for no other purposes. Raised beds and planters are not acceptable substitutes for trees. (795, 07/01/2021)

- a. In cases where the edge of pavement or curb within a street right-of-way does not coincide with the front lot line, the applicant shall landscape the area between the front lot line and the edge of the street pavement or sidewalk in such a manner as will not obstruct vehicle sight lines.
- b. In a BCD, BCD/H, GBD/S, and GBD/SM Zone the minimum required front landscape area may be reduced to zero (0) feet in depth along streets other than the Post Road.
- c. For multi-family developments under §32-12 and §39A, the minimum required front landscape area may be reduced to twenty (20) feet in depth. See §32-12.11 and §39A-14.